

13. *Insha-i-Roshan Kalam*, ff. 2a, 13b, 14.a
14. *Insha-i-Roshan Kalam*, ff. 2ab, 3a, 4b.
15. *Insha-i-Roshan Kalam*, f. 7b.
16. *Mufid-ul-Insha*, ff. 8lb, 84ab.
17. *Mufid-ul-Insha*, ff. 8lab, 8+ab.
18. *Insha-i-Roshan Kalam*, f. 7b.

SOVEREIGNTY OF THE SEA
AS PRACTISED IN THE MARATHA PERIOD.

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Since the birth of navalism the question of supremacy over the sea has existed in some form or the other. In the Vedic literature Varuna has been addressed as the Sea God. The *Mahābhārata* and the *Purāṇas*, which speak of the states bordering on the sea, do not enlighten us on the point of sea supremacy. But in all probability, the coastal powers had the right to levy tax on imports and exports in their ports, on sea-fishing and on ferries crossing the creeks.

Traditionally, the king is said to be the lord of water, land, wood and stone - *jala*, *sthala*, *kāṣṭa* and *pāśāṇi*. The meaning of the word water, if literally interpreted, might extend the king's sway over the sea.

In the historic times Ashoka Maurya had his empire on the west coast as far as Saurāshtra and in the region of Sopārā in north Konkan. The Arthasāstra of Kautilya refers to the foreigners whose activities were controlled by a special board appointed for that purpose.¹ The Mauryas had a navy. The admiral was called the *Nāvādhyakṣa*. His sway extended over the ocean, the mouths of the rivers and the lakes.²

The Sātavahanas of the Deccan who were the overlords of a part of Konkan had to fight with the Sakas on the sea. Both the Sakas and the Sātavahanas had supremacy over the west coast and waged wars on the sea to safeguard their interest.³

The Rāshtrakūṭas and the Silāhāras gave concessions to the Arab traders on their coast. They must have levied customs on the imports and exports passing through their ports. The Arab were the masters of the Indian Ocean till the appearance of the Portuguese on the scene. Their major trade centred in the ports of Malabār. Some of the Malabār kings extended their sway over the land as a result of the fine horses regularly supplied to them by the Arabs. The Arabs were the *de facto* sovereigns of the Indian Ocean but they do not seem to

have questioned the *de jure* sovereignty of the Hindu kings on their coastal waters. They also abstained from interfering with internal affairs of these kings. This policy easily enabled them to enjoy the monopoly of trade between India and the western world for several centuries. The Zamorin of Calicut who had become powerful and wealthy by the support of the Moorish-Arab-traders, styled himself as the lord of the Hills and the Sea. His navy scoured the coast from Gujarat to Ceylon.⁴ This means that the Arabs did not dispute his supremacy on the sea or at least his equality vis-a-vis their own.

The Portuguese leader, Vasco da Gama, on the other hand, refused to pay customs at Calicut as required under the port regulations in his first visit. The strange concept of the Portuguese regarding their sovereignty of the sea is well expressed in the words of Barroes : "It is true that there does exist a common right to all to navigate the seas and in Europe we acknowledge the rights which others hold against us; but this right does not extend beyond Europe; and therefore the Portuguese as Lords of the Sea are justified in confiscating the goods of all these who navigate the seas without their permission."⁵ This brought them into conflict with the Zamorin of Calicut, his friends the Arabs, as also a number of other powers on the west coast. The logic of the Portuguese was untenable. They acknowledged the right of other powers to navigate the seas in Europe, but beyond that asserted their exclusive sovereignty by force of arms. The only answer to this sort of behaviour was to meet their force by counterforce.

Shivājī, the founder of the Marāthā Kingdom, was required to assert his equality at sea in order to safeguard the political and economic interests of his nascent state. The Sanya mountain formed the backbone of his state. Its western side-sea-side-was threatened by the Siddis, the Portuguese and the English. The Siddi was like a mouse in the house, a perpetual nuisance. Shivājī organised a navy in order to checkmate the Siddi's activities. In other words, he 'saddled' the sea.⁶ He was fully convinced that he who possessed an armada ruled the waves. To establish his maritime rights, he was perpetually at war with the Siddis.

Shivājī's interests clashed with those of the English because (1) they gave aid to the Siddis, and (2) refused to supply him war material in the war against the Siddis. As early as 1660, Shivājī had looted the English factory at Rājāpūr. His policy towards the Europeans in general and the Topikars-English-in particular, was pre-planned.⁷ As stated in the *Ājnāpatra*, he had given the English a place at Rājāpūr for a factory, which was quite inside the creek and away from the

seashore. This enabled him to keep them under control and safeguard his supremacy at sea.⁸

Of all the sea powers, it were the Portuguese who claimed exclusive sovereignty over the sea and compelled all Asiatic vessels sailing in the Indian seas to purchase their passports. Shivājī was not prepared to accept this claim. His first few ships constructed at Kalyāṇ, Bhivāṇḍi and Pen were probably required to buy Portuguese passports to obtain an exit into the sea at Bassein. However, with the growth of his naval power they assumed a more friendly attitude towards his, acceding in consequence to his equality at sea.⁹

In the treaty concluded between Shivājī and the Portuguese in 1670 A.D. it is significant to note that the Portuguese granted Shivājī's vessels passes on the payment of customary dues which they had been taking also from the Mughal ships. The small Marāthā coasters were not required to buy passes. Shivājī in his own way agreed not to overtax the trade passing between Goa and the upcountry.¹⁰

Kānhojī Āngre, following Shivājī's policy, boldly rode the sea capturing ships which sailed without his passes. By the treaty with Chatrapati Shāhū the eastern front of his possessions was free from any major attack, and he was in a position to concentrate his forces on the sea-front. The Portuguese and the Siddis had to respect his rights on the sea. The terms of treaty proposed by the English to Kānhojī in 1713 which he later accepted, are useful in shedding light on the question of sovereignty of the sea. Kānhojī agreed not to interfere with the English ships, and those belonging to their merchants. Ships coming into or going out of the Bombay harbour when within Māhīm stakes and Khāndherī were not to suffer at Kānhojī's hands. This gives us some idea of the jurisdiction of a sea power from its coast. In modern times, this jurisdiction extends upto 12 miles from the coast. Recently our country has extended its sovereignty upto 12 miles from the coast-following the practice of other nations.

Kānhojī allowed English ships to enter his ports on payment of the usual customs. This term speaks for his equality at sea. What often led to heated controversy and war was the granting of a flag by the English to ships which did not belong to them or to their subjects. By this treaty 1713, the English were to stop this nefarious practice.

Kānhojī's successors continued to exercise similar rights on the sea.

The Portuguese, after their defeat in the Bassein war, entered into a treaty with the Peshwās, in 1740. It was decided that the Peshwā's ships or those of their merchants bringing dates and horses from Muskat

should not be molested by the Portuguese and likewise the ships of the latter or of their merchants sailing on the seas for trade should not suffer at the hands of the former.

Again, the Peshwā's ships under construction were to be allowed to move out on their completion, unmolested.

Some of the terms of the treaty concluded between these very powers in 1777 A.D. are interesting (Peshwā and the Portuguese).

(1) In case the armada of the Peshwā met the Portuguese armada on the sea, or if a single ship of one Government came across the armada of the other, both the Governments were to behave in a friendly manner.

(2) If the armada of one Government meeting that of the other on the sea was short of water, fuel or supplies the armada of the other was to provide the needy with these articles, if it could spare. The needy party was to pay cash for the supplies it purchased.

(3) Ships belonging to the Portuguese ports in the Chinese territory laden with goods, sailing on the seas were not to be molested by the Peshwā's, and the Peshwā's ships going to the Chinese ports were in no way to be obstructed by the Portuguese.

(4) Merchantships of the Portuguese coming into the Peshwā's ports were to be allowed to trade on paying the customs, and the Peshwā's merchantships going to the Portuguese ports for similar purpose were to be given the necessary facilities after paying the customs.

(5) None of the Governments was to capture merchantships of the other for want of a permit. The armada of one Government was to rescue a ship of the other in the event of its being taken away by an enemy.

(6) The Portuguese were neither to allow merchantships of ports other than their own to accompany their fleet nor were to allow them to fly their flag.

According to another treaty, concluded between the Peshwā and the Portuguese in 1780, the Portuguese were not to construct a new permanent trading Post in the territory of the Peshwā, in Gujarāt of Kaṭhewād or Sorāṭh (Saurāshṭra) or at any other place.

It was also agreed that a merchantship of one Government wrecked on the sea and driven to the port of the other was to be returned along with the cargo. Similarly, a ship of one of the parties menaced by an enemy seeking refuge in the port of the other was not to be harassed.¹¹

These terms of the treaties concluded between the Peshwā and the Portuguese at different times indicate how the Peshwa safeguarded

the maritime interest of the Marāthā State in respect of (1) customs, (2) passport, (3) wreckage, (4) overseas trade, (5) construction of new trading outposts, and (6) free movements on the high seas.

In the treaties settled between the Peshwā and the Siddis of Janjirā on different occasions the Peshwā forced the Siddis to accept his rights and equality at sea. In one of the treaties between these two powers it was decided that excluding the ferry-charges for transporting persons across the creek between Rājpuri and Harvīt, customs were to be divided equally. This term shows how a subject of constant trouble between two coastal powers separated by a creek was settled.¹²

In 1730, a treaty of mutual friendship formed between Sāwantawā-dikar and the English mentions how both the parties were to respect each other's rights on the sea. According to one clause, ships of the two parties meeting on the sea were to disclose their identity by sending a small flag-ship and then allow each other's fleet to pass by peacefully.

Another clause states that a ship of one party driven by tempest or by any other reason to the coast of the other was to be given all the necessary aid and allowed to sail to its destination along with the cargo according to the convenience of the distressed party. On such occasions, customs and other dues were not to be collected from the distressed.¹³

These and other similar treaties make it clear that the powers which exercised their rights on the sea were also required to respect the rights of others. Coastal as well as overseas trade could not be carried on without this understanding. In times of war the question of normal understanding did not exist.

All sea powers on the west coast issued their own passes. They were of two types—a *dastak* and a *kaul*. A *dastak* was a pass permitting the ship possessing it to sail within the jurisdiction of the issuing power. *Kaul*, on the other hand, allowed the holder to move on all the seas, on the authority of the issuing Government. The *kaul* enabled to identify the nationality of the ship. It seems that a ship possessing a *kaul* was not necessarily exempt from purchasing a *dastak* of a foreign Government. However, exemption from holding a *kaul* or *dastak* was granted if the Governments concerned had entered into an agreement to that effect.

Sometimes a *kaul* was granted to a ship on the express understanding that it was to trade only in a particular commodity mentioned therein. For instance, the *kaul* or the permit issued by the authority of the Ratnāgiri port in 1783 states that the merchants (*Sāvakārs*) and the *Kolis* (fisherman) transporting salt from Bombay, Uraṇ, etc. to Ratnāgiri were allowed to trade only in that commodity. In the event

of their failing to observe this condition their ships, i.e. *shibāds* or *mahāgiris*, were liable to be confiscated along with their cargo. Letters to this effect were dispatched to Bombay, Rajpuri, to the Kolis of Thana and Kolabā.¹⁴

A ship using an expired permit (*kaul*) was liable to confiscation. The *galbat*, *Mahādeoprasād*, owned by one Viṭā Bhavanidās, and under the command of the captain (*Tāngel*) Raṇsod of port Virāval, was captured by Sardār Sekh Hasan Underkar who was on patrol duty on board the *galbat* *Sitābrāo*. The *galbat Mahādeoprasād* was sighted by Sekh Hasan near Vesāve. The former tried to escape when Sekh Hasan asked its captain to show the permit. The *galbat* was chased and finally forced to show the *kaul* which, on inspection, was found to be of expired date. *Mahādeoprasād* was confiscated. It had on board a cash of Rs. 1664-8-0 and commodities like cotton, wool, dhotis, cloth, etc. worth about Rs. 296-8-0.¹⁵

A ship possessing a *kaul* was not necessarily free from confiscation if it met the ships of a Government which was not at peace with the Government to which it belonged. The *gurab*, *Phatehdaulat*, of port Daman, owned by one Shām Thākar and possessing a Portuguese *kaul* was confiscated by the Peshwā's navy as the Portuguese on former occasions had captured five ships of the Peshwās violating the agreement.

The ship had on board goods worth Rs. 13,082-11-6.¹⁶

The *dastak* of the year 1761 gives us the idea of the form and language in which it was couched.

"*Dastak* issued by the Government, from port Ratnāgiri, for ships sailing from the said port to Maskat, in the year 1761. Under this *dastak* the *daṅgi*, *Yeshwani*, owned by Mathurādās and piloted by Hājī Musā sailing from Maskat with cargo on board bound for port Jaygad should be allowed to sail unobstructed. The *kaul* will be granted in the following year. Dated *Cha. 7, Rajab*."

The *dastak* was marked with a circular seal at the right hand top with the '*Mortab*' at the end.

The collection of escort money within the jurisdiction of one's own waters was the right of the sea power concerned. The Peshwā's navy escorting merchantships and galbats to different harbours collected a total amount of Rs. 2,254/- at the naval headquarters, probably Bassein.¹⁷

Among other things, it may be mentioned that the Marāthās collected a tax called *Khuiāva* at the island of Khanderī for allowing ships to pass by safely.¹⁸ This speaks for the ability of the Marāthās to exercise their rights on the sea.

One of the most important duties of the State navy was to protect the coast from piratical raids.¹⁹

In the light of this discussion, it can be safely concluded that the Āngres, the Dhulaps and the Peshwās followed the practice that was current in respect of their maritime rights. In their own waters, they had every right to establish their equality along with the Europeans. The attribute 'pirate' applied by the Europeans to the Āngres in particular was simply abusive. As representatives of their sovereign power, the Angres were fully justified in exercising their maritime rights which in no way could be questioned at least by the Europeans who came from beyond the seven seas, and did not belong to this country.

1. *The Age of Imperial Unity*, Bharatiya Vidya Bhawan, Bombay, p. 63.
2. *R. Shamasastri, Kautilya's Arthashastra*, (1915) p. 156. Standard transliteration marks are used for Sanskrit and other words, for due pronunciation.
3. *The Age of Imperial Unity*, Bharatiya Vidya Bhavan, Bombay, pp. 199-200.
4. Panikkar K. M.—Malabar and the Portuguese, D. B. Taraporewala & Sons, Bombay, 1931. P. 17
5. Panikkar, K. M.—Malabar and the Portuguese, Bombay, 193; p. 41.
6. Vakaskar V. S.—Krishnāji Ananta Sabhāśadāci Bakhara; 1957, pp. 62-4.
- 7-8. Jadunath Sarkar—Shivaji And his Times, 1929. 3rd edition. pp. 342-3; 350; 362-6.
9. Joshi P. N.—Ajnapatra, Poona, 1960; p. 25.
10. Jadunath Sarkar—Shivaji And his Times, 1929. 3rd edition, pp. 362-6.
11. Maujee and Parasnais—Treaties Engagements and Sanads, 1914. pp. 31-32; 36-40
12. Maujee and Parasnais—Treaties, Engagements and Sanads, 1914. p. 109.
13. Dhabu-Kulabkar Angre pp. 64-5.
- 14,15,16 From the unpublished documents Peshwa Daftari Rumal nos. 490, 1559.
- 17, 8,19. Unpublished documents from the Peshwa Daftari, Poona. Rumal nos. 1573, 1575, 1752 and 1768.

A FEW DOCUMENTS PERTAINING TO ZAMINDARI FROM THIKANA RECORDS IN THE FORMER JAIPUR STATE

Satish Chandra.

The importance of Thikana papers for a study of the pattern of zamindari in Rajasthan needs hardly be emphasised. The *thikanas* some of which date back to the early Mughal period or even earlier, were administrative cum socio-economic units. They were generally held free of feudal dues, only a quit rent being paid to the ruler concerned. Most of them were members of the rulers' own family, but a few